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INTERSTATE COMMERCE — INTERSTATE COMMERCE COMMISSION — COMMISSION'S POWER TO INTERROGATE. — In the course of an investigation the Interstate Commerce Commission interrogated the defendant with the object of ascertaining whether the directors of a railroad engaged in interstate business had expended its funds while the defendant was an officer of the railroad in buying stocks at inflated prices, or stocks that should not have been purchased. On refusal to answer, suit was instituted to compel him to do so. *Held*, that he be directed to answer. *Interstate Commerce Commission v. Harriman*, 157 Fed. 432 (Circ. Ct., S. D. N. Y.). See NOTES, p. 431.

LIBEL AND SLANDER — ACTS AND WORDS ACTIONABLE — DEFAMATION OF PLAINTIFF'S SISTER. — Under the title "Divided House of the M's" the defendant published that the plaintiff's sister had been arrested for larceny. *Held*, that it was error to sustain a demurrer to the plaintiff's suit for libel. *Merrill v. Post Publishing Co.*, 83 N. E. 419 (Mass.).

Ordinarily an action for defamation is confined to the person directly assailed. Libel of a partner in his private life is not libel of the partnership. *Haythorn v. Lawson*, 3 C. & P. 196. And no action is allowed for the slander of a deceased relative. *Wellman v. Sun Printing, etc., Ass'n*, 66 Hun (N. Y.) 331. It is true that suit for libel of a wife may be brought in the husband's name, but the action lapses on her death. See ODGERS, **LIBEL AND SLANDER**, 4 ed., 530. Moreover, defamation of a sister uttered in an action by the defendant against her brother has been held to give the brother no action for slander. *Subbaiyer v. Kristnaiyar*, I. L. R. 1 Mad. 383. This case, however, was distinguished from the present case on the ground that the plaintiff's name was not there mentioned. A similar distinction has been made where a corporation sues for libel because of the defamation of its manager. *N. Y. Bureau of Information v. Ridgway-Thayer Co.*, 104 N. Y. Supp. 202. The distinction seems unsupportable since in each case the plaintiff's standing in the community is damaged. Hence to allow him to recover in an action of libel is extending the previous limits of the action and enlarging the absolute liability where no special damages need be proved. An action should lie, however, for actual damages proximately caused by the defendant's tort. See *Riding v. Smith*, 1 Ex. D. 91.

LIBEL AND SLANDER — ACTS AND WORDS ACTIONABLE — WORDS CHARGING INSTITUTION OF DIVORCE PROCEEDINGS. — The defendant falsely published that the plaintiff's husband had instituted a suit for divorce against the plaintiff in the New Jersey courts. A divorce may be granted in New Jersey for incompatibility of temperaments. *Held*, that the publication is libellous *per se*. *O'Neill v. Star Co.*, 121 N. Y. App. Div. 849.

In a similar case a co-respondent was named, and the imputation was therefore clearly defamatory. *Regina v. Leng*, 34 J. P. 309. But the present finding seems entirely reasonable notwithstanding the possible meaning of the publication under the New Jersey divorce law, and assuming that such meaning is not actionable. That the statement is merely capable of a special innocent meaning is not conclusive; words are no longer, as formerly, construed *in mitiori sensu*, but in the plain sense in which the rest of the world naturally understands them. See *Roberts v. Camden*, 9 East 93, 96. Nor should a presumption of knowledge of a technical sense of the words be raised to rebut their otherwise libelous character in the minds of right-thinking people. The presumption — or fiction — that every one knows the law cannot be pushed to such an extent. The same principle seems to be involved in those cases where it is actionable to charge acts commonly understood to be criminal, though they do not legally constitute a crime; for example, words imputing larceny of common property by a co-tenant are actionable *per se*. *Williams v. Miner*, 18 Conn. 464.

MANDAMUS — ACTS SUBJECT TO MANDAMUS — PERFORMANCE OF DUTIES IMPOSED BY STATUTE AUTHORIZING USE OF STREETS. — A city petitioned for *mandamus* to compel a telephone company to file a statement of its receipts and to pay a tax thereon, in accordance with a municipal ordinance granting